

Anita Van Amber - 1/16/03

1

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

WILLIAM LOCKWOOD,

Plaintiff

Civil Action No.

vs.

WMN-02-CV-2068

PACIFIC USA, LTD., et al

Defendants

The deposition of ANITA VAN AMBER was held
on Thursday, January 16, 2003, commencing at 1:30
p.m., at the Law Offices of Venable, Baetjer & Howard,
Two Hopkins Plaza, Suite 1800, Baltimore, Maryland
21201-2978, before Susan A. Kambouris, Notary Public.

APPEARANCES:

JASON C. BUCKEL, ESQUIRE and
MICHAEL P. SMITH, ESQUIRE
On behalf of the Plaintiff

MICHELE R. KENDUS, ESQUIRE
On behalf of the Defendants

REPORTED BY: Susan A. Kambouris

PLAINTIFF'S
EXHIBIT

I

Anita Van Amber - 1/16/03

<p style="text-align: right;">2</p> <p>1 STIPULATIONS</p> <p>2 It is stipulated and agreed by and between</p> <p>3 counsel for the respective parties that the reading</p> <p>4 and signing of this deposition by the witnesses be and</p> <p>5 the same are hereby waived.</p> <p>6 It is further stipulated and agreed that</p> <p>7 the filing of this deposition with the Clerk of Court</p> <p>8 be and the same is hereby waived.</p> <p>9 -----</p> <p>10 Whereupon:</p> <p>11 ANITA VAN AMBER,</p> <p>12 was called on for examination by counsel, and after</p> <p>13 being duly sworn according to law, was examined and</p> <p>14 testified as follows:</p> <p>15 EXAMINATION BY MR. BUCKEL:</p> <p>16 Q Good afternoon.</p> <p>17 A Hi.</p> <p>18 Q Could you please state your full name for</p> <p>19 the record?</p> <p>20 A It is Anita Van Amber.</p> <p>21 Q Van Amber?</p>	<p style="text-align: right;">4</p> <p>1 A Yes.</p> <p>2 Q How many times have you been deposed?</p> <p>3 A Three.</p> <p>4 Q In what capacity were you deposed in those</p> <p>5 prior instances? Meaning, I don't want you to have to</p> <p>6 tell me if you were deposed in a private lawsuit or</p> <p>7 something like that. Were you deposed as a Corporate</p> <p>8 Designee or as employee on behalf of Pacific Cycles?</p> <p>9 A As an employee on behalf of Pacific</p> <p>10 Cycles.</p> <p>11 Q Can you tell me the names of the cases in</p> <p>12 which you were previously deposed?</p> <p>13 A I don't recall.</p> <p>14 Q Can you tell me when these three prior</p> <p>15 occurrences were when you were previously deposed on</p> <p>16 behalf of Pacific Cycles?</p> <p>17 A One was, approximately, four years ago,</p> <p>18 and one was, approximately -- or two were,</p> <p>19 approximately, three years ago.</p> <p>20 Q Do you remember the jurisdictions in which</p> <p>21 those lawsuits were pending in which you were deposed?</p>
<p style="text-align: right;">3</p> <p>1 A Yes.</p> <p>2 Q I had you down as Van Amben. Van Amber is</p> <p>3 much better. Miss Van Amber, do you work for Pacific</p> <p>4 Cycles?</p> <p>5 A Yes.</p> <p>6 Q When I say Pacific Cycles, is that the</p> <p>7 same company as Pacific USA, Ltd.?</p> <p>8 A Yes.</p> <p>9 Q When I refer to Pacific Cycles throughout,</p> <p>10 that is who I am going to be talking about, if it is a</p> <p>11 related entity to Pacific USA, just so we are clear we</p> <p>12 are talking about the same company.</p> <p>13 A Okay.</p> <p>14 Q Do you understand you have been designated</p> <p>15 by Pacific Cycles to testify today regarding certain</p> <p>16 matters related to a lawsuit in which William Lockwood</p> <p>17 has sued Pacific Cycles and other entities alleging</p> <p>18 that there is a specific Pacific Cycles bicycle that</p> <p>19 injured him?</p> <p>20 A Yes.</p> <p>21 Q Have you ever been deposed before?</p>	<p style="text-align: right;">5</p> <p>1 A One was in New Jersey; one was in Queens.</p> <p>2 I don't recall where the third one was.</p> <p>3 Q You don't remember the names of the</p> <p>4 Plaintiffs at all?</p> <p>5 A No.</p> <p>6 Q Did any or all of those prior lawsuits on</p> <p>7 which you were deposed on behalf of Pacific Cycles</p> <p>8 involve an allegation that a Pacific Cycles bicycle</p> <p>9 was somehow defectively designed or defectively</p> <p>10 manufactured?</p> <p>11 A Yes.</p> <p>12 MS. KENDUS: I will just object to Miss</p> <p>13 Van Amber's knowledge of the legal terminologies.</p> <p>14 MR. BUCKEL: To the extent she understands</p> <p>15 my question, which I assume from her answer that she</p> <p>16 did --</p> <p>17 Q I ask any or all. Is it that all three of</p> <p>18 the prior cases involved allegations something was</p> <p>19 wrong with the Pacific bicycle or was it only one or</p> <p>20 two of them?</p> <p>21 A All three.</p>

Anita Van Amber - 1/16/03

<p style="text-align: right;">18</p> <p>1 mechanism of failure that was alleged in those claims 2 vis-a-vis the Pacific Strike Bicycle?</p> <p>3 A I know that they did not involve a fork.</p> <p>4 MS. KENDUS: I will say, if you want to 5 refresh her memory with the documents, we have those.</p> <p>6 MR. BUCKEL: Sure. That is fine. We may 7 take a break, go through them, and walk through those 8 at a certain point in time. Thank you.</p> <p>9 Q Do you know what has become of those three 10 claims in the sense of whether or not they have 11 manifested themselves in a lawsuit, or been resolved 12 by the company, or simply gone away, or whatever has 13 happened to them?</p> <p>14 A I believe all three have been resolved.</p> <p>15 Q When you say resolved, what do you mean?</p> <p>16 A I would have to refer to the paperwork to 17 see how they were resolved.</p> <p>18 Q Let's start with the beginning. How many 19 types, or makes, or models of bicycle does Pacific 20 make?</p> <p>21 MS. KENDUS: I will object just to the use</p>	<p style="text-align: right;">20</p> <p>1 how did that bike get assembled and/or manufactured, 2 and what role did Pacific Cycles have in that process?</p> <p>3 MS. KENDUS: I will object because you are 4 not asking the question specific to a particular bike.</p> <p>5 MR. BUCKEL: I did. I asked specific to 6 the Pacific Strike Mountain Bike.</p> <p>7 MS. KENDUS: Okay. I didn't hear that.</p> <p>8 MR. BUCKEL: I can ask generally if we 9 don't go through. I am not trying to be cute or 10 difficult about it.</p> <p>11 Q What, exactly, does Pacific Cycles do? 12 There are bicycles that are purchased that are called 13 Pacific Cycles. I gather from your Answers to 14 Interrogatories and the answers right now your 15 company's contention is you don't make those bicycles. 16 I am trying to figure out who does and what you guys 17 do with respect to that particular bike?</p> <p>18 A Sure. We do not manufacture the bicycles. 19 Basically, we would work with -- in this particular 20 case, a department store buyer who would, perhaps, 21 request a certain bicycle, a boy's basic, for example,</p>
<p style="text-align: right;">19</p> <p>1 of the term, "Make," if that is an accurate 2 description of what Pacific does.</p> <p>3 Q Okay. Did you understand my question?</p> <p>4 A No.</p> <p>5 Q I will ask you another question. Does 6 Pacific Cycles make bicycles?</p> <p>7 A Define make.</p> <p>8 Q Okay. What, exactly, does -- let me ask 9 it a different way. What, exactly, does Pacific 10 Cycles do with respect to bicycles that you can go out 11 and buy in a store, that are labeled or somehow 12 identified as Pacific Cycles?</p> <p>13 A Could you be more specific?</p> <p>14 Q Sure. I mean, I can say manufacture, as 15 opposed to make. To me, it is the same word.</p> <p>16 A Okay.</p> <p>17 Q Does Pacific Cycles manufacture bicycles?</p> <p>18 A No.</p> <p>19 Q If I go to the store tonight and I want to 20 buy my daughter a bike, and I go up on the rack, and 21 it is called a Pacific Cycles Strike Mountain Bike,</p>	<p style="text-align: right;">21</p> <p>1 in a certain color, with certain decals, and, perhaps, 2 a certain price. We would take that information and 3 put a specification sheet together listing the various 4 components of the bicycle that would be faxed to 5 the -- or a factory in China. They would build a 6 sample bicycle, perhaps request to use a different 7 component that was listed on the Specification Sheet, 8 send us a sample. We would show that to the Buyer. 9 If he or she approves it, we would go into production 10 with the factory. We would place an order with the 11 factory and the factory would produce the bicycles.</p> <p>12 Q The particular -- the subject bicycle 13 today, this Pacific USA Strike Bicycle that Mr. 14 Lockwood or Mr. Lockwood's family bought, and he was 15 riding, and it fell apart and he got hurt, do you have 16 any idea where that was actually assembled or 17 manufactured?</p> <p>18 A It is my understanding it was at China 19 Bicycle Company.</p> <p>20 Q China Bicycle Company?</p> <p>21 A Correct.</p>

Anita Van Amber - 1/16/03

<p style="text-align: right;">14</p> <p>1 MR. SMITH: It is in the document</p> <p>2 production.</p> <p>3 Q Okay. So, the only thing you reviewed</p> <p>4 document-wise in preparation for today's deposition</p> <p>5 was three prior claims against the same make and model</p> <p>6 of bicycle that is at issue today, correct?</p> <p>7 A Correct.</p> <p>8 Q I take it, then, that you didn't actually</p> <p>9 review Plaintiff's Complaint or any of the actual</p> <p>10 written discovery, including your company's Answers to</p> <p>11 Interrogatories in this case?</p> <p>12 A No.</p> <p>13 Q Miss Van Amber, I take it you went to</p> <p>14 college?</p> <p>15 A Yes.</p> <p>16 Q Where did you go to college?</p> <p>17 A University of Wisconsin, in Green Bay.</p> <p>18 Q Green Bay. Is that where the UW Men's</p> <p>19 basketball coach came from now?</p> <p>20 A If you are referring to Dick Bennett --</p> <p>21 Q Yes.</p>	<p style="text-align: right;">16</p> <p>1 and, from my calculations, it looks like you went to</p> <p>2 work for Pacific Cycles in 1992?</p> <p>3 A I believe it was '93.</p> <p>4 Q Between 1983 and 1993, were you working?</p> <p>5 A Yes.</p> <p>6 Q Where did you work during those ten years?</p> <p>7 You don't have to give me ad infinitum if you worked</p> <p>8 at a photo gallery three months after college.</p> <p>9 A I worked for a radio station, and, then, I</p> <p>10 worked for a museum.</p> <p>11 Q So, prior to coming to Pacific Cycles, is</p> <p>12 it fair to say you had no experience or background in</p> <p>13 the design and manufacture of bicycles, or, really,</p> <p>14 the design and manufacture of any product?</p> <p>15 A That's correct.</p> <p>16 Q I asked you before when you first</p> <p>17 personally became aware of the incident that has given</p> <p>18 rise to this lawsuit, Mr. Lockwood's accident and</p> <p>19 injuries. Now, I am going to ask you, do you have</p> <p>20 knowledge on behalf of Pacific Cycles as to when</p> <p>21 Pacific Cycles first became aware of the incident that</p>
<p style="text-align: right;">15</p> <p>1 A -- he is no longer --</p> <p>2 Q That's right, they got a new guy. Bo Ryan</p> <p>3 is there now, correct?</p> <p>4 A Correct.</p> <p>5 Q Did you do any post graduate work?</p> <p>6 A No.</p> <p>7 Q What is your college degree in in terms of</p> <p>8 your major?</p> <p>9 A Communication.</p> <p>10 Q Do you have an Engineering Degree?</p> <p>11 A No.</p> <p>12 Q Do you have any training, personal</p> <p>13 training as to the design and manufacture of</p> <p>14 bicycles?</p> <p>15 A No.</p> <p>16 Q Have you ever been involved in the design</p> <p>17 and manufacture of bicycles?</p> <p>18 A No.</p> <p>19 Q What year did you graduate from college?</p> <p>20 A 19 -- I am going to say -- 83.</p> <p>21 Q That is close enough. Between 1983 --</p>	<p style="text-align: right;">17</p> <p>1 we are here about the today?</p> <p>2 A No.</p> <p>3 Q The three other claims involving the</p> <p>4 Pacific Cycles Strike Mountain Bike -- saying Strike</p> <p>5 Bike sounds kind of funny sometimes. I will call it</p> <p>6 Strike Mountain Bike. Do you know what those three</p> <p>7 claims were?</p> <p>8 A What do you mean by were?</p> <p>9 Q Okay. Do you know who made the claims?</p> <p>10 A No, I would have to review the paperwork.</p> <p>11 Q When they were made?</p> <p>12 A No.</p> <p>13 Q Do you know what the end result of those</p> <p>14 three claims were?</p> <p>15 A No, I don't recall.</p> <p>16 Q When did you review these three claim</p> <p>17 documents in preparation for today's deposition?</p> <p>18 A Two days ago.</p> <p>19 Q You can't remember what they were about?</p> <p>20 A No.</p> <p>21 Q Can you remember as to the failure mode or</p>

5 (Pages 14 to 17)

Anita Van Amber - 1/16/03

<p style="text-align: right;">54</p> <p>1 Q Gooze?</p> <p>2 A Gooze, G-o-o-z-e.</p> <p>3 Q I don't want to be accused of calling him</p> <p>4 a derogatory name. Can you think of anybody else?</p> <p>5 A Bob Hoffman.</p> <p>6 Q I am just going to let you know. Anytime</p> <p>7 you think of a name, just spit it out.</p> <p>8 A That is basically it.</p> <p>9 Q Are Rob and Bob still with the company</p> <p>10 today?</p> <p>11 A Rob is; Bob is not.</p> <p>12 Q What does Rob do in terms of his job title</p> <p>13 or job description with the company?</p> <p>14 A Today, he is Vice-President in charge of</p> <p>15 Logistics.</p> <p>16 Q Logistics. What did he do back in 1996,</p> <p>17 to the best of your knowledge?</p> <p>18 A He was the Chief Financial Officer.</p> <p>19 Q Do you think Rob would have been doing any</p> <p>20 testing, inspection, or examination of the bikes that</p> <p>21 you mentioned came off the line?</p>	<p style="text-align: right;">56</p> <p>1 was specified.</p> <p>2 Q Do you have any idea of the extent that</p> <p>3 they would have ridden the bikes in terms of number of</p> <p>4 minutes, or numbers of hours, pressure, or forces</p> <p>5 placed on the bike, anything like that?</p> <p>6 A No.</p> <p>7 Q Was there anyone with Pacific Cycles in</p> <p>8 1996 whose job duties, as you understood them, was to</p> <p>9 inspect or test bicycles?</p> <p>10 A No, not specifically. I don't recall.</p> <p>11 Q Not specifically. You mean you can't</p> <p>12 think of anybody, or that wasn't their specific job,</p> <p>13 or there is someone who you know did that?</p> <p>14 A I don't recall anybody having that</p> <p>15 specific responsibility.</p> <p>16 Q Do you recall anybody actually doing that?</p> <p>17 A No, I don't recall it.</p> <p>18 Q How many different types or models of</p> <p>19 bicycles does Pacific Cycles make?</p> <p>20 A Hundreds.</p> <p>21 Q A couple of hundred, 200, 300?</p>
<p style="text-align: right;">55</p> <p>1 A I do not think he would have.</p> <p>2 Q I didn't think so, either. What did Bob</p> <p>3 Hoffman do back in 1996?</p> <p>4 A I do not recall what his official title</p> <p>5 was. It had something to do with service.</p> <p>6 Q As the Corporate Designee on behalf of</p> <p>7 Pacific Bicycle, do you have any idea as to what</p> <p>8 actual type of testing, or examination, or testing of</p> <p>9 the Pacific Strike bicycles was done by Pacific before</p> <p>10 it went out to Toys-R-Us Stores?</p> <p>11 A When we got the production samples, we</p> <p>12 would review the bicycle at that time.</p> <p>13 Q When you say review the bicycle, what do</p> <p>14 you mean? I mean, literally, what do you do? For me</p> <p>15 to review a bicycle means I ride it around the hallway</p> <p>16 one time and say, "It is a nice bicycle." What does</p> <p>17 Pacific Cycles do to review the bicycle?</p> <p>18 A Back in 1996, they probably would have</p> <p>19 done the same thing, gotten on the bicycle and ridden</p> <p>20 it around to make sure all of the of the components</p> <p>21 were operating, and, also, other components were what</p>	<p style="text-align: right;">57</p> <p>1 A I don't know.</p> <p>2 Q Does Pacific Cycles design bicycles?</p> <p>3 MS. KENDUS: Objection. Vague.</p> <p>4 A Define design.</p> <p>5 Q Do they determine how the bicycle is going</p> <p>6 to be made in terms of its component parts being put</p> <p>7 together and turned into one bike?</p> <p>8 A Today or back in 1996?</p> <p>9 Q I am going to ask today first. Then, I am</p> <p>10 going to ask you back then.</p> <p>11 A Repeat the question.</p> <p>12 Q Does Pacific Cycles design bicycles</p> <p>13 subject to the definition we just talked about?</p> <p>14 A What was the definition again?</p> <p>15 Q It is difficult for me to define design.</p> <p>16 I can get Webster's Dictionary and bring it in.</p> <p>17 MS. KENDUS: That is the problem, I think.</p> <p>18 It is a vague term.</p> <p>19 Q I guess my question is this: Someone has</p> <p>20 to determine what the lengths of the components are,</p> <p>21 what the components are going to be, how they are</p>

15 (Pages 54 to 57)

Anita Van Amber - 1/16/03

<p style="text-align: right;">58</p> <p>1 going to be put together, what the various uses of the</p> <p>2 bike are going to be, how it needs to be designed, how</p> <p>3 it needs to be put together. Someone has to decide</p> <p>4 that in order for the bike to be made, correct?</p> <p>5 A I don't know if I can agree with that</p> <p>6 statement or not.</p> <p>7 Q I am having a very difficult time. I just</p> <p>8 wanted to find out -- I have a very difficult time</p> <p>9 figuring exactly what it is Pacific Cycles does. They</p> <p>10 don't seem to make anything. They don't seem to</p> <p>11 assemble anything. My question is: When I say</p> <p>12 design, I mean, if I came to you and said, "I want to</p> <p>13 build a bicycle," does Pacific Cycles say, here is how</p> <p>14 we build the bicycle, we take Components A,B,C and D.</p> <p>15 We use these parts, and the fabricator is going to put</p> <p>16 them all together, and that is our bicycle. Is that</p> <p>17 what they do?</p> <p>18 MS. KENDUS: Objection. Asked and</p> <p>19 answered.</p> <p>20 MR. BUCKEL: I don't believe so. You can</p> <p>21 answer, anyway.</p>	<p style="text-align: right;">60</p> <p>1 A Pacific would have.</p> <p>2 Q Does Pacific Cycles have any people that</p> <p>3 work for them whose job title or definition is</p> <p>4 designing bicycles?</p> <p>5 A Back in 1996?</p> <p>6 Q And today?</p> <p>7 A Back in 1996, no, I don't believe so.</p> <p>8 Today -- what was the question, designing?</p> <p>9 Q Yes. Is there someone at your company</p> <p>10 whose job title, or definition, or description is bike</p> <p>11 design?</p> <p>12 A It would fall under the terminology of</p> <p>13 Product Development.</p> <p>14 Q Who is in charge of Product Development at</p> <p>15 Pacific Cycles today?</p> <p>16 A Bob Toledo is our Executive Vice-President</p> <p>17 in charge of Product Development.</p> <p>18 Q Where is Bob headquartered?</p> <p>19 A In Madison.</p> <p>20 Q He is with you in Madison?</p> <p>21 A Correct.</p>
<p style="text-align: right;">59</p> <p>1 MS. KENDUS: She provided the Spec Sheet.</p> <p>2 MR. BUCKEL: Right. But she is not saying</p> <p>3 the Spec Sheet is designing the bike.</p> <p>4 MS. KENDUS: She told you that is what</p> <p>5 they do, they put the Spec Sheet together.</p> <p>6 Q If I were to ask you, Miss Van Amber, who</p> <p>7 designs Pacific Cycles' bicycles, what would you say?</p> <p>8 A Define design.</p> <p>9 MR. BUCKEL: This isn't getting us</p> <p>10 anywhere.</p> <p>11 Q Does anyone other than Pacific Cycles have</p> <p>12 any input into the component parts, measurements,</p> <p>13 specifications for a Pacific Cycles bike other than</p> <p>14 Pacific Cycles?</p> <p>15 A When you say input, what do you mean?</p> <p>16 Q Input. Suggestions, make decisions.</p> <p>17 A The components makers might make</p> <p>18 suggestions, the factory might make suggestions.</p> <p>19 Q Who has the final say as to what</p> <p>20 components and what design specifications are going to</p> <p>21 be used in the bike?</p>	<p style="text-align: right;">61</p> <p>1 Q Was Bob with the company in 1996?</p> <p>2 A No.</p> <p>3 Q In 1996, when the Strike Mountain Bike was</p> <p>4 put together, who handled the Product Development</p> <p>5 responsibilities for Pacific Cycles?</p> <p>6 A I don't want to guess. I don't want to</p> <p>7 guess.</p> <p>8 MS. KENDUS: If you don't know, it is</p> <p>9 okay.</p> <p>10 Q In 1996, was Pacific Cycles a</p> <p>11 publicly-owned company?</p> <p>12 A No.</p> <p>13 Q Who owned the company?</p> <p>14 A Chris Hornung.</p> <p>15 Q To your understanding, does he still own</p> <p>16 the company?</p> <p>17 A He is still part owner.</p> <p>18 Q It is not publicly owned or traded in any</p> <p>19 sense?</p> <p>20 A No.</p> <p>21 Q In 1996, did Chris own all of the of the</p>

16 (Pages 58 to 61)

<p style="text-align: right;">86</p> <p>1 Bicycle -- the front wheel fell off. Do you know 2 whether or not the allegations contained in that claim 3 related to any type of defect of the fork-tube 4 assembly? 5 A No. 6 Q No, you don't know, or, no, it didn't 7 relate to the fork-tube assembly? 8 A No, it didn't relate to a fork-tube 9 assembly. 10 Q What was the problem -- for want of a 11 better term -- with that bike? What was it that the 12 Plaintiffs or the perspective Plaintiff in the case 13 alleged was the problem? 14 A It doesn't state anywhere in these 15 documents. 16 Q That is why I asked. I thought maybe 17 there is some code or number, something you could 18 glean, because I couldn't glean what the problem was. 19 A I could guess, but I won't. 20 Q Okay. I think I may have asked this 21 before in a slightly different way. Do you understand</p>	<p style="text-align: right;">88</p> <p>1 Q Can you pass it back to me? 2 MR. BUCKEL: If you can give her your copy 3 of Schedule A and Schedule B. 4 MS. KENDUS: Oh, actually, I didn't 5 realize that is what you were asking, because I have 6 notes on mine. 7 MR. BUCKEL: I should have brought extras. 8 Off the record. 9 (Recess taken -- 3:04 p.m.) 10 (After recess -- 3:08 p.m.) 11 Q Miss Van Amber, we have gone through -- we 12 are about to go through what has been marked as 13 Exhibit No. 4, the Amended Notice of Deposition of the 14 Corporate Designee of Pacific Cycles, LLC, who, for 15 today's purposes, we have agreed is you. We have all 16 agreed. It has been marked as Exhibit No. 4. I am 17 going to direct your attention to Schedule A of the 18 Amended Notice of Deposition. Schedule A constitutes 19 the areas of inquiry that we have asked Pacific Cycles 20 to produce someone here today who can give us their 21 corporate knowledge about these areas, to the best of</p>
<p style="text-align: right;">87</p> <p>1 what the allegations are, Plaintiff's allegations in 2 this lawsuit with respect to the Pacific Cycles? 3 A No, I don't know what they are. 4 Q You have no idea what the Plaintiff is 5 saying went wrong with this bike? 6 A No. 7 Q Do you have any idea how he was injured? 8 A No. 9 Q I am going to walk you through. We are 10 going to have this marked as No. 4. 11 (Van Amber Deposition Exhibit No. 4 so 12 marked for identification.) 13 Q I am going to show you what we have had 14 marked as Exhibit No. 4. Take a quick look at it. 15 That is the Amended Notice of Deposition for today's 16 deposition, correct? 17 A Correct. 18 Q Have you ever seen that before today? 19 A Yes. 20 Q When was the first time that you saw that? 21 A Tuesday, two days ago.</p>	<p style="text-align: right;">89</p> <p>1 their ability. I am just going to quickly go through. 2 I may cover a little bit of ground we went through 3 before, but I want to make sure I am not missing 4 anything on these topics. Okay? 5 A Okay. 6 Q If you look at Schedule A, No. 1, we have 7 asked for the Corporate Designee of Pacific Cycles, 8 LLC, who has knowledge regarding the manufacture and 9 design of the bicycle. Do you have any other 10 knowledge regarding the manufacturing and design of 11 the subject bicycle involved in this case other than 12 what you have already told me today? 13 A I don't know. 14 Q You don't know whether you do? 15 A Unless you ask me a specific question, I 16 wouldn't know how to answer that question. 17 Q Well, I think to be fair, it is a fairly 18 simple question. We have talked for a couple of hours 19 about what you know, about how this bike got made, 20 didn't get made, we had a little discussion about what 21 design means. Other than what you have told me, do</p>

23 (Pages 86 to 89)

<p style="text-align: right;">114</p> <p>1 Q When you produced these Spec Sheets, you,</p> <p>2 meaning Pacific Cycles --</p> <p>3 A I am sorry, at the top, the same number --</p> <p>4 it is the Factory Product Code.</p> <p>5 Q Is that a number that Pacific Cycles has</p> <p>6 that is their product code or is that a number from</p> <p>7 the China Bicycle Company?</p> <p>8 A I don't know.</p> <p>9 Q Turning again to Schedule A of the Amended</p> <p>10 Notice. You have already testified about the</p> <p>11 documents produced. With respect to No. 11, which</p> <p>12 requested Pacific Cycles to produce a Corporate</p> <p>13 Deponent, Corporate Designee with knowledge of Pacific</p> <p>14 Cycles' role or participation in the design,</p> <p>15 manufacture. And selling of the bicycle, other than</p> <p>16 what you have testified to me already today, do you</p> <p>17 have any other information about the corporation's</p> <p>18 role in these activities?</p> <p>19 A No, I don't believe so.</p> <p>20 Q Turn to No. 12. Are you aware of any</p> <p>21 claim or defense made by Pacific Cycles that the</p>	<p style="text-align: right;">116</p> <p>1 know with what respect we belong to them. Today, we</p> <p>2 do, yes.</p> <p>3 Q What would those organizations be?</p> <p>4 A I am not going to be able to give you the</p> <p>5 exact wording of them.</p> <p>6 Q Okay. Would someone other than you or --</p> <p>7 we may not have to have a person testify about this.</p> <p>8 If we asked the question of you through your counsel,</p> <p>9 you could provide the information of trade</p> <p>10 associations or groups they belong to?</p> <p>11 A Today, yes.</p> <p>12 Q Does Pacific Cycles participate in a trade</p> <p>13 organization called ANSI, A-N-S-I? If I knew what it</p> <p>14 stood for, I could remember off the top of my head, I</p> <p>15 could tell you.</p> <p>16 A I don't know.</p> <p>17 Q Do you know how Pacific decides what</p> <p>18 warnings or instructions to make to end users with</p> <p>19 respect to the use of their bicycles, do they follow a</p> <p>20 code, or is it done in-house, or how does that come</p> <p>21 about?</p>
<p style="text-align: right;">115</p> <p>1 subject bicycle in this case was somehow misused or</p> <p>2 altered from the time that it left Pacific Cycles'</p> <p>3 control and the time that the accident occurred?</p> <p>4 A I am not aware.</p> <p>5 Q Do you have any knowledge or information</p> <p>6 on behalf of Pacific Cycles that, in fact, this bike</p> <p>7 was misused or altered in any way prior to the alleged</p> <p>8 incident?</p> <p>9 A No, I do not have that information.</p> <p>10 Q Does anyone at Pacific Cycles have any</p> <p>11 information as to product misuse or alteration of this</p> <p>12 particular bicycle prior to the subject incident, to</p> <p>13 the best of your knowledge?</p> <p>14 A I don't know.</p> <p>15 Q You have never reviewed Pacific Cycles</p> <p>16 Answers to Interrogatories in this case, correct?</p> <p>17 A Correct.</p> <p>18 Q Does Pacific Cycles belong to any trade</p> <p>19 group or trade associations with respect to the</p> <p>20 manufacture or design of bicycles?</p> <p>21 A We belong to some organizations. I don't</p>	<p style="text-align: right;">117</p> <p>1 A We have to follow the CPSC Standards.</p> <p>2 Q To your knowledge, do you provide any</p> <p>3 additional warnings or instructions above and beyond</p> <p>4 the CPSC Standards?</p> <p>5 A Today or in 1996?</p> <p>6 Q 1996.</p> <p>7 A I don't know.</p> <p>8 Q If you take a look at 14 and 15, Items 14</p> <p>9 and 15 on Schedule A, they ask Pacific Cycles to</p> <p>10 produce a Corporate Designee who has corporate</p> <p>11 knowledge regarding any contention that the Plaintiff,</p> <p>12 William Lockwood, the kid who was hurt in this case --</p> <p>13 and I will just summarize this rather than go through</p> <p>14 the whole legal ease -- it is basically to ask you</p> <p>15 whether or not you have any information that the kid</p> <p>16 that was hurt in the case did something wrong to cause</p> <p>17 or contribute to his own accident, or whether somebody</p> <p>18 else did something wrong that caused or contributed to</p> <p>19 his own accident? Do you understand that question?</p> <p>20 A Yes.</p> <p>21 MS. KENDUS: I will object just to the</p>

<p style="text-align: right;">118</p> <p>1 extent it calls for attorney-work product, and it is</p> <p>2 fact specific to this case as opposed to something</p> <p>3 that would be within the realm of corporate knowledge.</p> <p>4 Q Well, do you have any knowledge as to what</p> <p>5 Mr. Lockwood did or didn't do with respect to this</p> <p>6 bike?</p> <p>7 A No.</p> <p>8 Q Do you have any knowledge as to any facts</p> <p>9 that tend to suggest that someone else other than</p> <p>10 Pacific Cycles and Mr. Lockwood did someone wrong</p> <p>11 which caused this failure in this bike?</p> <p>12 MS. KENDUS: Objection, but you can</p> <p>13 answer.</p> <p>14 A No, I don't have any knowledge.</p> <p>15 Q Are you aware that in this case recently,</p> <p>16 your company has filed what is called a Third Party --</p> <p>17 you did a Third Party-Complaint against Suntour, the</p> <p>18 manufacturer of the fork, claiming that, somehow,</p> <p>19 Suntour was responsible for the defect, are you aware</p> <p>20 of that?</p> <p>21 A I am aware that we tendered the case to</p>	<p style="text-align: right;">120</p> <p>1 A Right.</p> <p>2 Q Did they make other brands or models of</p> <p>3 bikes other than the Pacific Strike Mountain Bike?</p> <p>4 A Yes.</p> <p>5 Q How many others?</p> <p>6 A I don't recall.</p> <p>7 Q Do you recall the names of any of the</p> <p>8 other models of bicycles that CBC made for you?</p> <p>9 A No.</p> <p>10 Q Does the corporation have records with</p> <p>11 respect to what makes or models of bicycles were</p> <p>12 actually assembled or manufactured for Pacific by</p> <p>13 China Bicycle Company?</p> <p>14 A I am not sure if we would still have those</p> <p>15 records.</p> <p>16 Q Because you stopped using China Bicycle</p> <p>17 Company?</p> <p>18 A That's correct.</p> <p>19 Q Are you aware of any other claims,</p> <p>20 incidents, lawsuits made or brought to the attention</p> <p>21 of Pacific Cycles that involved a bicycle manufactured</p>
<p style="text-align: right;">119</p> <p>1 them.</p> <p>2 Q When you say tendered, did you ask them to</p> <p>3 assume your defense of the case?</p> <p>4 A We asked them to defend and indemnify us.</p> <p>5 Q Is that pursuant to a written agreement or</p> <p>6 contract between the parties?</p> <p>7 A I am not sure there is a written</p> <p>8 agreement.</p> <p>9 Q Do you have any idea as to whether there</p> <p>10 are any written agreements or contracts between</p> <p>11 Pacific Cycles and Suntour with respect to the</p> <p>12 manufacture or utilization of the fork in the Pacific</p> <p>13 Cycles Strike Bicycle?</p> <p>14 A I am not aware of any agreements.</p> <p>15 Q How many other bikes, or brands, or models</p> <p>16 of bikes did China Bicycle make or assemble for</p> <p>17 Pacific?</p> <p>18 A China Bicycle Company made Pacific</p> <p>19 Bicycles for us.</p> <p>20 Q Right. They made the Strike Bicycle,</p> <p>21 correct?</p>	<p style="text-align: right;">121</p> <p>1 or assembled on your behalf by China Bicycle Company?</p> <p>2 A That was a really long question.</p> <p>3 Q Basically, we have talked about other</p> <p>4 claims that involve Suntour, we have talked about</p> <p>5 other claims that involve forks, we have talked about</p> <p>6 other claims that involve this specific bike with this</p> <p>7 specific Suntour fork. Now, I want to talk about</p> <p>8 other claims, cases, incidents, lawsuits that involved</p> <p>9 bicycles that were assembled by the China Bicycle</p> <p>10 Company?</p> <p>11 A I am sure there have been other claims,</p> <p>12 yes.</p> <p>13 Q Do you have a specific recollection of any</p> <p>14 of those other claims?</p> <p>15 A No.</p> <p>16 Q Do you have any idea of the number of how</p> <p>17 many of those other claims involve bikes assembled or</p> <p>18 manufactured by the China Bicycle Company?</p> <p>19 A No.</p> <p>20 Q Did you stop using the China Bicycle</p> <p>21 Company because you had claims or lawsuits involving</p>

31 (Pages 118 to 121)

<p style="text-align: right;">126</p> <p>1 Q It was the Spinner Fork component used on</p> <p>2 the Scorpio model bicycle?</p> <p>3 A It could have been, I don't recall.</p> <p>4 Q Are you familiar with an individual by the</p> <p>5 name of David Mitchell?</p> <p>6 A Yes.</p> <p>7 Q What is your familiarity with</p> <p>8 Mr. Mitchell?</p> <p>9 A Mr. Mitchell is a bicycle engineer and a</p> <p>10 metallurgist.</p> <p>11 Q How did you come to be familiar with him?</p> <p>12 A I used Mr. Mitchell to investigate claims.</p> <p>13 Q You used Mr. Mitchell to investigate this</p> <p>14 particular claim on behalf of Pacific Cycles?</p> <p>15 A I am not aware of Mr. Mitchell's</p> <p>16 involvement with this claim.</p> <p>17 Q Because you are not -- that was when you</p> <p>18 say you used him, was that in your job as a liability</p> <p>19 person?</p> <p>20 A That's correct.</p> <p>21 Q You don't do that today?</p>	<p style="text-align: right;">128</p> <p>1 experience.</p> <p>2 MS. KENDUS: It is up to you to waive. I</p> <p>3 usually ask clients to waive.</p> <p>4 THE WITNESS: Okay, I waive.</p> <p>5 (Whereupon, at 3:55 p.m., the deposition</p> <p>6 was concluded.)</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p>
<p style="text-align: right;">127</p> <p>1 A No.</p> <p>2 Q Claims come in. You are not the person</p> <p>3 responsible for that?</p> <p>4 A Right.</p> <p>5 Q It is Candi Heinzelman?</p> <p>6 A Candi handles the liability claims today.</p> <p>7 MR. BUCKEL: I think that is about all I</p> <p>8 have. I want to thank you for your time and flying</p> <p>9 in. That is it.</p> <p>10 MS. KENDUS: You have the option to either</p> <p>11 read this transcript for any errors that you can</p> <p>12 correct. You would make a list of things that you</p> <p>13 thought were incorrect, send them to the court</p> <p>14 reporter, and she will attach that list as corrections</p> <p>15 to the transcript. You can waive your right to read</p> <p>16 the transcript. If you don't want to take the time to</p> <p>17 do it, I can tell you, I will be reading it, Ken will</p> <p>18 be reading it. I was sitting here, I know what was</p> <p>19 said. Usually, the court reporter is excellent at</p> <p>20 getting everything down correctly.</p> <p>21 THE WITNESS: I am sure she has years of</p>	<p style="text-align: right;">129</p> <p>1 State of Maryland</p> <p>2 County of Baltimore, to wit:</p> <p>3 I, Susan Kambouris, a Notary</p> <p>4 Public of the State of Maryland, County of Baltimore,</p> <p>5 do hereby certify that the within-named witness</p> <p>6 personally appeared before me at the time and place</p> <p>7 herein set out, and after having been duly sworn by</p> <p>8 me, according to law, was examined by counsel.</p> <p>9 I further certify that the examination was</p> <p>10 recorded stenographically by me and this transcript is</p> <p>11 a true record of the proceedings.</p> <p>12 I further certify that I am not of</p> <p>13 counsel to any of the parties, nor in any way</p> <p>14 interested in the outcome of this action.</p> <p>15 As witness my hand and notarial seal</p> <p>16 this 11th day of February, 2003.</p> <p>17</p> <p style="text-align: center;">SUSAN A. KAMBOURIS</p> <p style="text-align: center;">Notary Public</p> <p>18</p> <p>19</p> <p>20 My Commission Expires:</p> <p>21 May 1, 2005</p>